

**FUNERAL DIRECTORS EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
JANUARY 19, 1999**

PRESENT: W. Robert Cress, Daniel Densow, Roy Pfeffer, Peter Schils, Rick Unbehaun

ABSENT: Diane Pratt

STAFF PRESENT: Cletus Hansen, Jacquelynn Rothstein, Judy Mender

GUESTS: Kim Richardson, Fortis Family; Pete Christianson, Quarles & Brady; Mark Paget, WFDA; Mark Krause, FSA of Wisconsin; Ashley Moore, FSA.

CALL TO ORDER

The meeting was called to order at 9:35 a.m. by Roy Pfeffer, Chair. A quorum of five members was present.

AGENDA

MOTION: Peter Schils moved, seconded by Robert Cress, to approve the agenda as published. Motion carried unanimously.

MINUTES (11/17/98)

MOTION: Peter Schils moved, seconded by Rick Unbehaun, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Secretary Cummings spoke to the Board concerning inspections of funeral home establishments. She would like to see the use of self-inspection forms, rather than having a person from the department going to the establishment to perform the inspection. The form would be notarized by the funeral director. If the information contained in the report were falsified, it could result in disciplinary action.

A brief discussion took place concerning the registration of crematories. Secretary Cummings reiterated the need to avoid over-regulating professions.

Bureau Director's Report

- **1999 Meeting Dates**

The Board again received a copy of the Funeral Directors Examining Board 1999 meeting dates. Noted.

- **Board Roster**

The Board again received a copy of the Funeral Directors Examining Board roster. A few changes were suggested by individual board members.

- **Staffing**

The Board was informed that Michelle Krisher would no longer be taking minutes for the Bureau; because she has accepted a promotional position with the Division of Enforcement as an investigator.

The Board wished her well.

The Board was informed the Bureau is in the process of hiring two people to take the minutes for all professions in the Division; one person for each bureau.

- **To Pass Folder**

Information was circulated in the To Pass Folder and duly noted.

LEGISLATIVE UPDATE

Regulation of Crematories

Daniel Densow reported that no additional meetings have taken place. He pointed out that the intent of the committee is to register, not to license the facilities.

Certificates In Good Standing

The Board was given a revised draft (dated 1/8/99) for consideration. This draft contains revised language on Page 3, lines 8-14, relating to persons who held Certificates In Good Standing for 5 years or more. The board discussed the effective date of 1/1/2001. The Board was told that currently 118 people hold a Certificate In Good Standing. Roy Pfeffer asked that a letter be sent to each person holding the certificate after legislation is passed, informing them of the change.

MOTION: Dan Densow moved, seconded by Rick Unbehaun, to accept the revised language and to provide for an earlier effective date, if possible. Motion carried unanimously.

ADMINISTRATIVE RULES

Solicitation Deadline in FD 6

The Board received a copy of Cletus Hansen's January 6, 1999, memorandum, relating to FD 6.10. The memo addresses the provisions relating to telephone calls to a person in a hospital whose death is imminent, and related to automated telephone calls. Jacquelyn Rothstein suggested that FD 6.10(2)(b) should be amended as follows "The telephone caller immediately begins the conversation..."

MOTION: Rick Unbehaun moved, seconded by Robert Cress, to accept the draft revision of FD 6.10, Wisconsin Administrative Code, with revisions. Motion carried unanimously.

LICENSING ISSUES

Funeral Director in Charge of More than One Funeral Establishment

The Board was informed that the Bureau was unable to provide meaningful data relating to funeral directors in charge of more than one funeral establishment. The Board felt that, rather than sending a letter to all funeral establishments, an article be included in the next Regulatory Digest giving fair warning that failure to be in compliance could result in disciplinary action. It was suggested that any member who is aware of such a violation should file a complaint with the Division of Enforcement for investigation.

MOTION: Rick Unbehaun moved, seconded by Dan Densow, that a letter be sent to known funeral homes that have a funeral director in charge of more than one funeral home, citing the violation, and requesting a response as to how the matter will be rectified. Motion carried unanimously.

Inspection of Funeral Establishments

The Board was provided with a copy of the funeral establishment inspection report used by the Division of Enforcement. The board requested that Rick Unbehaun prepare a list of procedures for processing applications and that Clete Hansen revise the application form to include items from the inspection report.

MOTION: Robert Cress moved, seconded by Dan Dansow, that inspections of funeral establishments only be conducted when there is a new location, not when there is a change of ownership. Motion carried unanimously.

EXAMINATION ISSUES

None.

BOARD MEMBER ACTIVITY

None.

REPORT OF THE ADVISORY COMMITTEE ON FUNERAL DIRECTOR APPRENTICESHIP ISSUES

Cletus Hansen provided the board with a committee roster and the committee goals. He also informed the Board that the Advisory Committee on Funeral Director Apprenticeship Advisory Committee will be meeting on January 27, 1999. The Board was asked to forward to Mr. Hansen any comments or recommendations which they would like this committee to consider.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Copy of letter dated December 3, 1998, from Jacquelynn Rothstein, responding to Ms. Loretta J. Becker, noted.

NEW BUSINESS

Nothing to report.

PUBLIC COMMENTS

None.

RECESS TO CLOSED SESSION

MOTION: Peter Schils moved, seconded by Rick Unbehaun, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats.: to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring issues, reinstatement requests, extension requests, examination challenges, deliberations on stipulations that may be signed after printing of the agenda, pending applications, and disciplinary proceedings. Motion carried by a roll call vote: Robert Cress-yes; Daniel Densow-yes; Rick Unbehaun-yes; Roy Pfeffer-yes; Peter Schils-yes.

Open Session recessed at 12:15 p.m.

The Board deliberated on issues relating to open cases and a case closing.

The Board discussed documents and issues relating to the sale of funeral establishments to Hamilton Funeral Service Centers and SCI. The board also discussed the court proceedings involving SCI.

RECONVENE IN OPEN SESSION

MOTION: Peter Schils moved, seconded by Rick Unbehaun, to reconvene in Open Session at 1:40 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Rick Unbehaun moved, seconded by Dan Densow, to close 96 FDR 007 for P1. Motion carried with Roy Pfeffer abstaining from voting.

ADJOURNMENT

MOTION: Dan Densow moved, seconded by Robert Cress, to adjourn the meeting at 1:55 p.m. Motion carried unanimously.

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TO DO LIST

1. Correct Board Member Roster:
 - Dan Densow's E-Mail address
 - Pete Schils' Fax number
 - Remove Bonnie Jean Sasse's name; replace with Darwin Tichenor
2. Include the DOE inspection report within the application for the funeral home establishment permit.